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## **NOTES FOR A BRIEFING OF THE SELECT COMMITTEE ON CONSTITUTIONAL REFORM**

Before you begin your research, I would like to introduce the following, Ontario's Constitutional Review Commission and the Ontario Constitutional Review Act. The Ontario Constitutional Review Act was passed by the Ontario Legislature on June 28, 1987. It authorizes the Constitutional Review Commission to inquire into the constitutionality of legislation, regulations and other acts of the Ontario Legislature. The Commission will also inquire into the relationship between the Ontario Legislature and the other two branches of government, the executive and the judiciary.

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**MINISTRY OF INTERGOVERNMENTAL AFFAIRS**  
**FEBRUARY 2, 1988**



INTRODUCTION BY DAVID CAMERON, DEPUTY MINISTER

MR. CHAIRMAN, I WOULD LIKE TO THANK YOU AND YOUR COLLEAGUES FOR THE OPPORTUNITY TO APPEAR BEFORE THE SELECT COMMITTEE TODAY.

BEFORE BEGINNING MY REMARKS, I WOULD LIKE TO INTRODUCE DON STEVENSON, ONTARIO'S REPRESENTATIVE TO QUEBEC AND THE FEDERAL GOVERNMENT. AS MOST OF YOU KNOW, DON IS A FORMER DEPUTY MINISTER OF INTERGOVERNMENTAL AFFAIRS, AND HAS EXTENSIVE EXPERIENCE IN CONSTITUTIONAL NEGOTIATIONS AND AN INTIMATE KNOWLEDGE OF QUEBEC. I HAVE ASKED DON TO PARTICIPATE IN THE MINISTRY'S PRESENTATION TO THE SELECT COMMITTEE.

AS THE FIRST WITNESSES TO ADDRESS THE SELECT COMMITTEE, DON AND I HOPE TO PLACE THE ACCORD IN ITS HISTORICAL SETTING AND TO PROVIDE A PERSPECTIVE ON THE PROCESS OF CONSTITUTIONAL NEGOTIATIONS AND REFORM. I UNDERSTAND THAT THE ATTORNEY GENERAL FOR ONTARIO, THE HONOURABLE IAN SCOTT, WILL BE INVITED TO TESTIFY BEFORE THIS COMMITTEE ON THE SUBSTANTIVE ASPECTS OF THE ACCORD, INCLUDING THE LEGAL IMPACT OF ITS SPECIFIC CLAUSES.



IN A MOMENT, DON WILL REVIEW THE KEY HISTORICAL EVENTS OF THE PAST TWO DECADES AND ATTEMPT TO CONVEY OUR UNDERSTANDING OF THE CONTEXT WITHIN WHICH THIS ACCORD WAS NEGOTIATED. I WILL THEN TRACE THE ORIGINS OF THE SPECIFIC CONSTITUTIONAL AMENDMENTS CALLED FOR BY THE ACCORD. BUT FIRST, I HAVE SOME INITIAL OBSERVATIONS ON THE IMPORTANCE OF CONSTITUTIONAL REFORM.

IF THERE IS A COMMON THEME TO OUR REMARKS TODAY IT IS THIS: THE MEECH LAKE ACCORD COMPLETES ONE STAGE IN A CONTINUING PROCESS OF POLITICAL AND CONSTITUTIONAL DISCUSSION THAT BEGAN IN THE MID-SIXTIES. MORE SPECIFICALLY, MEECH LAKE REPRESENTS AN OCCASION WHEN ALL OF CANADA'S GOVERNMENTS, FEDERAL AND PROVINCIAL, AGREED TO MAKE THE ESTABLISHMENT OF A SATISFACTORY PLACE FOR QUEBEC WITHIN CANADA THE CENTRAL OBJECTIVE OF CONSTITUTIONAL DISCUSSION. THIS OBJECTIVE WAS ACHIEVED, AND THUS THE MAJOR PIECE OF UNFINISHED BUSINESS LEFT OVER FROM THE 1980-82 ROUND OF CONSTITUTIONAL REFORM WAS COMPLETED.

SI L'ON VOULAIT DONNER UN THÈME CENTRAL À NOTRE INTERVENTION D'AUJOURD'HUI, ON CHOISIRAIT LE SUIVANT: L'ENTENTE DU LAC MEECH PERMET DE COMPLÉTER LE PROCESSUS DE DISCUSSION POLITIQUE ET CONSITUTIONNELLE ENTREPRIS AU



MILIEU DES ANNÉES SOIXANTE. PLUS PRÉCISEMMENT, L'ENTENTE MARQUE L'OCCASION OÙ TOUS LES GOUVERNEMENTS DU CANADA, FÉDÉRAL AUSSI BIEN PROVINCIAUX, SE SONT ENTENDUS POUR CENTRER LEURS NÉGOCIATIONS CONSTITUTIONNELLES SUR LA NÉCESSITÉ D'ACORDER AU QUÉBEC UNE PLACE SATISFAISANTE AU SEIN DU PAYS. CET OBJECTIF A ÉTÉ ATTEINT ET, CE FAISANT, LE CANADA A RÉUSSI À COMPLÉTER LA TÂCHE QUI ÉTAIT RESTÉE INACHEVÉE LORS DES DISCUSSIONS SUR LA RÉFORME CONSTITUTIONNELLE DE 1980-1982.

THE POST-WAR PERIOD IN CANADA HAS BEEN CHARACTERIZED BY RAPID SOCIAL AND ECONOMIC CHANGE ON A VARIETY OF FRONTS. AS OUR COUNTRY HAS MATURED, THE POLITICAL SYSTEM -- INCLUDING THE CONSTITUTION -- HAS SERVED TO ARTICULATE AND RECONCILE THE MANY IDENTITIES AND PRIORITIES OF A PEOPLE IN TRANSITION. THE STATUS OF CANADA'S ABORIGINAL PEOPLES HAS RE-EMERGED IN RECENT YEARS AS A MATTER OF PRESSING CONTEMPORARY CONCERN. LARGE NUMBERS OF IMMIGRANTS HAVE CHOSEN CANADA AS THEIR HOME, MAKING THIS COUNTRY AN INCREASINGLY PLURALISTIC AND DYNAMIC SOCIETY. IN ADDITION THIS HAS BEEN A PERIOD OF INCREASED PARTICIPATION OF WOMEN IN THE ECONOMIC AND POLITICAL LIFE OF CANADA. WITHIN THIS EVOLVING COMMUNITY OF CANADIANS, NEW IDENTITIES AND



SOCIAL FORCES ARE WOVEN INTO THE EARLIER TRADITIONS OF CANADA AS A COUNTRY OF DISTINCT REGIONS, TWO LANGUAGES AND PREDOMINANTLY EUROPEAN ORIGINS.

WITHIN THIS COMPLEX PATTERN, THREE FORCES HAVE BEEN ESPECIALLY SIGNIFICANT IN SHAPING PUBLIC DEBATE IN THE LAST SEVERAL DECADES. DAY-TO-DAY INTERGOVERNMENTAL RELATIONS AND THE RECENT PHASE OF CONSTITUTIONAL REFORM REFLECT THE INTERPLAY OF THESE FORCES -- AS DOES THE MEECH LAKE ACCORD. I AM REFERRING TO THE FORCES OF CANADIAN NATION-BUILDING, REGIONALISM, AND ENGLISH-FRENCH DUALITY. EACH OF THESE FORCES SPRINGS FROM THE DESIRE OF CANADIANS TO GIVE EXPRESSION TO THEIR INDIVIDUAL IDENTITIES AND TO THE VALUES OF THE COMMUNITIES TO WHICH THEY BELONG.

CANADIAN NATION-BUILDING REFERS, OF COURSE, TO OUR LOYALTY TO THE NATIONAL INSTITUTIONS AND SYMBOLS WHICH CHARACTERIZE THE NATION AS A WHOLE AND PROVIDE THE FRAMEWORK OF CANADA'S DIVERSE SOCIETY. REGIONALISM IS THE IDENTIFICATION OF CANADIANS WITH A PARTICULAR GEOGRAPHIC AREA IN CANADA, AND ITS CHARACTERISTIC CULTURE AND VALUES. IT HAS FOUND POLITICAL EXPRESSION IN RECENT YEARS CHIEFLY THROUGH PROVINCIAL GOVERNMENTS. FINALLY, DUALITY HAS TWO ASPECTS: IT HAS A CANADA-WIDE

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EXPRESSION WHICH PROMOTES THE CO-EXISTENCE OF ENGLISH AND FRENCH LINGUISTIC COMMUNITIES THROUGHOUT THE COUNTRY; AND IT ALSO REFERS TO THE RECOGNITION OF THE LANGUAGE, CULTURE AND INSTITUTIONS OF QUEBEC AS A DISTINCT COMMUNITY WITHIN CANADA, AND AS THE "FOYER" OR HOMELAND OF FRENCH-LANGUAGE CIVILIZATION IN NORTH AMERICA.

CANADA'S POST-WAR POLITICAL EXPERIENCE HAS SHOWN THE DIFFICULTY OF MAINTAINING A DELICATE BALANCE BETWEEN THESE FORCES; AS OUR SOCIETY EVOLVES, AND NEW PRESSURES ARISE, CANADIANS ARE THEN CALLED UPON TO WORK TOGETHER TO REACH A NEW ACCOMMODATION. A MEASURE OF CANADA'S POLITICAL HEALTH TO DATE IS THE DEGREE TO WHICH THE COUNTRY HAS BEEN ABLE TO ACCOMMODATE THE FORCES OF NATION-BUILDING, REGIONALISM, AND DUALITY.

A MAJOR ELEMENT OF THIS ACCOMMODATION HAS BEEN CONSTITUTIONAL IN CHARACTER. THIS IS NOT SURPRISING, GIVEN THE GROWING IMPORTANCE OF THE CONSTITUTION, NOT ONLY IN DEFINING THE SCOPE OF GOVERNMENT POWERS AND THE RIGHTS OF INDIVIDUALS, BUT ALSO IN PROVIDING A GUIDING STATEMENT OF THE FUNDAMENTAL VALUES OF OUR SOCIETY. CANADIANS HAVE SHOWN INCREASING INTEREST IN THEIR CONSTITUTION AND IN CONSTITUTIONAL REFORM DURING RECENT



DECades. THE INTEREST SHOWN BY ONTARIANS IN THE MEECH LAKE ACCORD AND, INDEED, IN THESE HEARINGS, SUGGESTS THAT PUBLIC INVOLVEMENT IN A LIVING CONSTITUTION WILL CONTINUE TO BE A FEATURE OF THE POLITICS OF OUR SOCIETY.

THE ACCORD IS SET IN THE COMPLEX EVOLUTION OF POST-WAR CANADIAN HISTORY. WHILE THE MEECH LAKE ACCORD DOES NOT ATTEMPT TO ADDRESS THE FULL RANGE OF CONSTITUTIONAL ISSUES, IT IS NEVERTHELESS THE CULMINATION OF A MAJOR PERIOD IN OUR CONSTITUTIONAL EVOLUTION, WHICH SAW THE ATTEMPT, COMMENCED IN 1967, TO DEFINE QUEBEC'S PLACE IN THE FEDERATION AND TO ACHIEVE A JUST BALANCE IN CANADA AMONG THE FORCES OF NATION-BUILDING, REGIONALISM AND DUALITY.

I NOW AM GOING TO TURN THE FLOOR OVER TO DON STEVENSON, WHO WILL REVIEW THE HISTORICAL EVENTS AND INTERGOVERNMENTAL NEGOTIATIONS WHICH LED TO THE 1987 CONSTITUTIONAL ACCORD, AS WELL AS THE SIGNIFICANCE OF THE ACCORD FOR THE GOVERNMENT AND PEOPLE OF QUEBEC.



REMARKS OF DONALD W. STEVENSON

MR. CHAIRMAN, I WOULD ALSO LIKE TO THANK THE SELECT COMMITTEE FOR THE OPPORTUNITY TO APPEAR TODAY.

AS YOU KNOW, MR. CHAIRMAN, I HAVE HAD A LONG CAREER WORKING IN THE FIELD OF FEDERAL-PROVINCIAL AND ONTARIO-QUEBEC RELATIONS. AT PRESENT, I SERVE AS THE ONTARIO GOVERNMENT'S REPRESENTATIVE TO QUEBEC. I AM THEREFORE PLEASED TO BE ABLE TO SHARE WITH THE SELECT COMMITTEE MY SENSE OF THE HISTORICAL DEVELOPMENTS AND INTERGOVERNMENTAL NEGOTIATIONS WHICH LED TO THE ACCORD, AND TO REPORT TO THE COMMITTEE SOME OF THE FEELINGS AND REACTIONS WHICH QUEBECERS HAVE EXPRESSED CONCERNING THE ACCORD.

IN HIS OPENING REMARKS, DAVID CAMERON DISCUSSED THE CHANGING NATURE OF CANADIAN SOCIETY DURING THE POST-WAR PERIOD, AND REFERRED TO THREE POLITICAL FORCES WHICH HAVE HAD A PARTICULAR IMPACT ON OUR CONSTITUTIONAL DEVELOPMENT. THESE ARE NATION-BUILDING, DUALITY, AND REGIONALISM.



MY REMARKS TODAY WILL DEAL WITH THE TWO MAJOR CONSTITUTIONAL AGREEMENTS OF THIS DECADE -- THE 1981 AGREEMENT AMONG PRIME MINISTER TRUDEAU AND ALL OF THE PROVINCIAL PREMIERS BUT QUEBEC, AND THE 1987 AGREEMENT AT MEECH LAKE -- IN THE CONTEXT OF THESE FORCES.

THE ESSENTIAL POINT OF MY REMARKS IS THAT THE AGREEMENT TO ENTRENCH THE CONSTITUTION ACT, 1982, WITH AN AMENDING FORMULA AND CHARTER OF RIGHTS, GAVE CONSTITUTIONAL EXPRESSION TO CANADIAN NATION-BUILDING, TO THE STRONG REGIONAL IDENTITIES OF CANADA, AND TO THE PAN-CANADIAN ASPECT OF DUALITY, THAT IS TO SAY THE ENTRENCHMENT AND PROTECTION OF LANGUAGE RIGHTS IN NATIONAL INSTITUTIONS AND IN PROVINCES. IRONICALLY, HOWEVER, THE 1982 AMENDMENTS DID NOT ADDRESS ADEQUATELY QUEBEC'S PLACE IN THE FEDERATION, WHICH WAS THE DRIVING FORCE BEHIND THE CURRENT PHASE OF CONSTITUTIONAL DISCUSSIONS WHICH BEGAN IN THE 1960s. THE CONSTITUTION ACT, 1982, DESPITE ITS IMPORTANT ACHIEVEMENTS, DID NOT DEAL WITH SOME CRITICAL TENSIONS AND DIVISIONS IN THIS COUNTRY. THE MEECH LAKE CONSTITUTIONAL ACCORD IS, AS HAS BEEN SAID, AN ATTEMPT TO DEAL WITH THIS UNFINISHED BUSINESS.



LA LOI CONSTITUTIONNELLE DE 1982, AVEC SA FORMULE DE MODIFICATION ET SA CHARTE DES DROITS, A PERMIS DE DONNER UNE EXPRESSION CONSTITUTIONNELLE AU CONCEPT DE DÉVELOPPEMENT DE LA NATION CANADIENNE, DE MÊME QU'AUX SENTIMENTS D'IDENTITÉ RÉGIONALE ET À L'ASPECT PAN-CANADIEN DE LA DUALITÉ, C'EST-À-DIRE LA RECONNAISSANCE ET LA PROTECTION DES DROITS LINGUISTIQUES AU SEIN DES INSTITUTIONS NATIONALES ET PROVINCIALES.

MAIS, LES AMENDEMENTS DE 1982 N'ONT PAS SU RÉPONDRE ADÉQUATEMENT À LA QUESTION DE LA PLACE RÉSERVÉE AU QUÉBEC DANS LA FÉDÉRATION, QUESTION QUI CONSTITUAIT LE MOTEUR DU DÉBAT CONSTITUTIONNEL ENTREPRIS DEPUIS LES ANNÉES SOIXANTE. MALGRÉ SES IMPORTANTES RÉALISATIONS, LA LOI CONSTITUTIONNELLE DE 1982 NE PARVENAIT DONC PAS À SOULAGER CERTAINES DES TENSIONS QUI DIVISAIENT LE PAYS.

OR, L'ENTENTE DU LAC MEECH, ELLE, SE VEUT UNE FAÇON D'ACHEVER CETTE TÂCHE.

THE DESIRE TO PATRIATE THE CANADIAN CONSTITUTION AND TO INSTITUTE A FORMULA WHEREBY THE CONSTITUTION COULD BE AMENDED HERE IN CANADA IS NOT, OF COURSE, A NEW IDEA. CANADIANS HAVE SOUGHT TO ENSHRINE THE ELEMENTS OF FULL NATIONAL SOVEREIGNTY THROUGH CONSTITUTIONAL REFORM FOR AT LEAST THE LAST SIXTY YEARS. MOST OF THESE ATTEMPTS ENDED IN FAILURE, HOWEVER, BECAUSE OF CONCERNS



IN THE PROVINCES, AND QUEBEC IN PARTICULAR, THAT DUALITY AND REGIONALISM WERE NOT REFLECTED ADEQUATELY IN THE CONSTITUTIONAL PROPOSALS.

THE PHASE OF CONSTITUTIONAL DISCUSSIONS WHICH HAS CULMINATED IN THE MEECH LAKE ACCORD HAS ITS ROOTS IN THE MID-SIXTIES. DURING THIS PERIOD QUEBEC NATIONALISM WAS ON THE RISE, AND MANY QUEBECERS SUPPORTED A MAJOR TRANSFER OF FEDERAL POWER TO QUEBEC AS THE ONLY ACCEPTABLE ALTERNATIVE TO INDEPENDENCE. IN 1965, THE ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM CONCLUDED THAT A CRISIS EXISTED IN CANADA BETWEEN THE TWO LINGUISTIC COMMUNITIES, AND BETWEEN QUEBEC AND THE REST OF THE COUNTRY. ITS REPORT CALLED FOR THE PROTECTION OF MINORITY LANGUAGE RIGHTS AND FOR A COMPREHENSIVE SET OF REFORMS TO THE CONSTITUTION.

IN RESPONSE TO THE B & B REPORT AND THE TENSE SITUATION IN QUEBEC, THE THEN-PREMIER OF ONTARIO, JOHN ROBARTS, CONVENED THE CONFEDERATION FOR TOMORROW CONFERENCE IN 1967. THE CONFERENCE ADDRESSED THE REPORT'S PROPOSALS FOR BILINGUALISM, AND THE BROADER QUESTION OF QUEBEC'S PLACE IN THE FEDERATION. THE ONTARIO GOVERNMENT'S ROLE IN THIS CONFERENCE WAS VERY MUCH IN THE TRADITION OF OUR HISTORICAL NATION-BUILDING



PARTNERSHIP WITH THE PROVINCE OF QUEBEC. THE CONFERENCE CONCLUDED WITH A DECLARATION WHICH CALLED FOR A COMPREHENSIVE CONSTITUTIONAL REVIEW.

THE SAME WEEK THAT JOHN ROBARTS AND DANIEL JOHNSON, AND THEIR FELLOW PROVINCIAL PREMIERS, WERE BEGINNING THE SEARCH FOR AN ACCOMMODATION AT THE CONFEDERATION FOR TOMORROW CONFERENCE, LEADING QUEBEC NATIONALISTS MET AT THE ESTATES GENERAL OF FRENCH CANADA. THAT CONFERENCE CALLED FOR A CONSTITUTIONAL SOLUTION INVOLVING VIRTUAL SOVEREIGNTY FOR QUEBEC. SUCH PROPOSALS WERE TYPICAL OF SOME OF THE RADICAL CALLS FOR REFORM OF THE PERIOD, AND STAND IN CONTRAST TO THE SET OF REFORMS AGREED TO BY PREMIER BOURASSA AND THE OTHER FIRST MINISTERS AT MEECH LAKE.

AT THE FIRST FEDERAL-PROVINCIAL CONSTITUTIONAL CONFERENCE IN 1968, THE FEDERAL GOVERNMENT PRESENTED TO THE PROVINCES A THREE-STAGE PLAN FOR REFORM. THIS PLAN ANTICIPATED MUCH OF THE ACTIVITY OF THE SUBSEQUENT TWENTY YEARS. IT CALLED, AS THE FIRST ORDER OF BUSINESS, FOR CONSIDERATION OF A BILL OF RIGHTS TO PROTECT THE INDIVIDUAL LIBERTIES OF ALL CANADIANS. THIS WOULD BE FOLLOWED BY A REVIEW OF THE CENTRAL INSTITUTIONS OF FEDERALISM, AFTER WHICH ATTENTION WOULD



BE GIVEN TO ADJUSTING THE FEDERAL-PROVINCIAL DIVISION OF POWERS. THE CONFERENCE ALSO CONSIDERED THE ENTRENCHMENT OF MINORITY LANGUAGE RIGHTS AS RECOMMENDED BY THE REPORT OF THE ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM.

HOWEVER, NOT ALL PROVINCES AGREED WITH THIS SET OF PRIORITIES AND PROPOSALS. QUEBEC TOOK THE POSITION THAT THE FIRST PRIORITY WAS ADJUSTING THE FEDERAL-PROVINCIAL DISTRIBUTION OF POWERS, AND THE WESTERN PROVINCES EXPRESSED OPPOSITION TO PROPOSALS FOR BILINGUALISM. IN ADDITION, MUCH OF THE CONFERENCE WAS DEVOTED TO THE ISSUE OF REGIONAL ECONOMIC DISPARITIES. THUS, NO NEW ACCOMMODATION WAS REACHED AMONG THE FORCES OF NATION-BUILDING, DUALITY AND REGIONALISM.

LITTLE PROGRESS WAS MADE UNTIL THE CONSTITUTIONAL CONFERENCE OF FEBRUARY, 1971. AT THIS CONFERENCE, THE OUTLINES OF AN INITIAL CONSTITUTIONAL ACCOMMODATION EMERGED, WHEN QUEBEC AGREED TO LEND ITS SUPPORT TO A NEW AMENDING FORMULA AND THE ENTRENCHMENT OF HUMAN RIGHTS, IN RETURN FOR EXTENDED PROVINCIAL POWERS IN THE AREA OF SOCIAL POLICY.



IN JUNE, 1971, AT THE VICTORIA CONFERENCE, IT APPEARED THAT A CONSTITUTIONAL AGREEMENT WAS AT HAND. THE VICTORIA CHARTER, WHICH WAS ACCEPTED BY ALL THE FIRST MINISTERS, CALLED FOR A FORMULA FOR THE PATRIATION AND AMENDMENT OF THE CANADIAN CONSTITUTION, THE CONSTITUTIONAL ENTRENCHMENT OF HUMAN RIGHTS, THE ENTRENCHMENT OF LANGUAGE RIGHTS IN ALL BUT THE THREE WESTERN-MOST PROVINCES, A GUARANTEE OF THREE QUEBEC JUDGES ON THE SUPREME COURT OF CANADA, A LIMITATION ON FEDERAL POWERS IN THE AREA OF SOCIAL POLICY, THE REPEAL OF THE FEDERAL POWER TO RESERVE OR DISALLOW PROVINCIAL LEGISLATION, AND AN ANNUAL CONFERENCE OF THE FIRST MINISTERS.

MANY OF THE ELEMENTS OF THE VICTORIA CHARTER ARE TO BE FOUND IN THE CONSTITUTIONAL AGREEMENTS OF 1981 AND 1987. THE CONSTITUTION ACT OF 1982 PATRIATED THE CONSTITUTION WITH AN AMENDING FORMULA, A CHARTER OF RIGHTS, AND GUARANTEES OF MINORITY LANGUAGE RIGHTS. THE MEECH LAKE ACCORD PROPOSES TO GUARANTEE QUEBEC'S REPRESENTATION ON THE SUPREME COURT, CLARIFY THE FEDERAL GOVERNMENT'S SPENDING POWER IN AREAS OF PROVINCIAL JURISDICTION, AND ENTRENCH FIRST MINISTERS' CONFERENCES.



AS WE ALL KNOW, THE VICTORIA PROPOSALS COLLAPSED WHEN PREMIER BOURASSA RETURNED HOME TO FACE THE STRENUOUS OPPOSITION OF QUEBEC NATIONALISTS. THEY OBJECTED TO THE FAILURE OF THE VICTORIA CHARTER TO DEAL WITH QUEBEC'S HISTORICAL CONCERNs ABOUT THE DISTRIBUTION OF POWERS, PARTICULARLY IN THE AREA OF SOCIAL SECURITY. PREMIER BOURASSA REJECTED THE VICTORIA CHARTER ON JUNE 23, 1971.

ATTEMPTS BY THE FEDERAL GOVERNMENT TO REVIVE THE PROCESS OF CONSTITUTIONAL REFORM MET WITH LIMITED SUCCESS THROUGH THE BALANCE OF THE DECADE. THE FEDERAL GOVERNMENT'S OCTOBER 1974 SPEECH FROM THE THRONE, WHICH CALLED FOR A LIMITED PACKAGE OF AMENDMENTS INCLUDING PATRIATION AND THE VICTORIA AMENDING FORMULA, WAS OPPOSED BY QUEBEC BECAUSE, LIKE THE VICTORIA CHARTER, IT DID NOT INCLUDE ANY ADJUSTMENT OF FEDERAL AND PROVINCIAL LEGISLATIVE POWERS. THIS PROPOSAL WAS MADE ONCE MORE BY PRIME MINISTER TRUDEAU AT THE 1975 FIRST MINISTERS' CONFERENCE, AND IN LETTERS TO THE PROVINCIAL PREMIERS IN MARCH 1976, BUT THE PROVINCES INSISTED THAT PATRIATION WOULD BE ACCEPTABLE ONLY AS PART OF A PACKAGE OF COMPREHENSIVE REFORM.



AT THE ANNUAL PREMIERS' CONFERENCES OF 1975 AND 1976, THE POSITIONS OF THE PROVINCES ON PATRIATION HARDENED. AT THE CONCLUSION OF THE EDMONTON CONFERENCE OF AUGUST, 1976, PREMIER LOUGHEED OF ALBERTA INFORMED PRIME MINISTER TRUDEAU ON BEHALF OF THE PREMIERS THAT, ALTHOUGH PATRIATION WAS DESIRABLE, IT WOULD NOT MEET WITH PROVINCIAL AGREEMENT, UNLESS THE DISTRIBUTION OF POWERS WAS ALTERED TO EXPAND PROVINCIAL JURISDICTION WITH RESPECT TO CULTURE, IMMIGRATION, COMMUNICATIONS, AND TAXATION OF NATURAL RESOURCES. IN ADDITION, THE PREMIERS CALLED FOR THE LIMITATION OF THE FEDERAL DECLARATORY AND SPENDING POWERS, AND A REQUIREMENT THAT THE CREATION OF NEW PROVINCES BE SUBJECT TO THE GENERAL AMENDING FORMULA.

IN THE QUEBEC ELECTION OF NOVEMBER 15, 1976, THE PARTI QUBECOIS SWEPT INTO POWER ON A PLATFORM CALLING FOR SOVEREIGNTY-ASSOCIATION FOR THE PROVINCE. THIS WAS A TREMENDOUSLY SIGNIFICANT EVENT WHICH RAISED A SERIOUS POSSIBILITY THAT QUEBEC WOULD SECEDE FROM THE CANADIAN FEDERATION. THE ELECTION OF THE PARTI QUBECOIS BROUGHT HOME TO MANY CANADIANS THE NEED FOR NEW CONSTITUTIONAL ARRANGEMENTS, WHILE MAKING ANY REAL PROSPECT OF RAPID CONSTITUTIONAL REFORM MORE REMOTE.



TWO OTHER EVENTS AT THE END OF 1976 FURTHER COMPLICATED THE IMMEDIATE PROSPECTS FOR FEDERAL-PROVINCIAL AGREEMENT ON CONSTITUTIONAL REFORM. BRITISH COLUMBIA TOOK THE POSITION THAT IT SHOULD BE DEFINED AS A SEPARATE REGION WITH A VETO ON CONSTITUTIONAL CHANGE. IN ALBERTA, THE GOVERNMENT WITHDREW ITS SUPPORT FOR THE VICTORIA AMENDING FORMULA AND CALLED INSTEAD FOR UNANIMOUS PROVINCIAL CONSENT FOR CONSTITUTIONAL AMENDMENTS.

IN 1977, PRIME MINISTER TRUDEAU REAFFIRMED THAT PATRIATION WAS HIS GOVERNMENT'S CONSTITUTIONAL PRIORITY. IN THAT YEAR HIS GOVERNMENT APPOINTED THE TASK FORCE ON CANADIAN UNITY, CHAIRED BY JEAN-LUC PEPIN AND THE FORMER ONTARIO PREMIER, JOHN ROBARTS. IN JANUARY 1979, THE TASK FORCE UNANIMOUSLY RECOMMENDED A WIDE-RANGING CONSTITUTIONAL REFORM PACKAGE WHICH FOCUSED ON ACCOMMODATION OF REGIONAL DIFFERENCES AND A NEW RELATIONSHIP OF QUEBEC WITHIN CANADA.

BY 1978, THE TRUDEAU GOVERNMENT WAS DETERMINED TO PROCEED WITH A PACKAGE OF CONSTITUTIONAL REFORM, WITH OR WITHOUT PROVINCIAL CONSENT. IN JUNE, A WHITE PAPER ENTITLED "A TIME FOR ACTION," AND A CONSTITUTIONAL AMENDMENT BILL, KNOWN AS BILL C-60, WERE INTRODUCED IN PARLIAMENT. THE WHITE PAPER AND THE BILL SET OUT THE



FEDERAL GOVERNMENT'S INTENTION TO PROCEED WITH SEVERAL ASPECTS OF REFORM THAT IT BELIEVED TO BE WITHIN ITS JURISDICTION. BILL C-60 PROPOSED THE ADOPTION OF A CHARTER OF RIGHTS AND FREEDOMS WHICH WOULD APPLY WITHIN FEDERAL JURISDICTION WITH A PROVISION FOR PROVINCES TO OPT IN; THE CONSTITUTIONAL PROTECTION OF LANGUAGE RIGHTS; A MECHANISM FOR PROVINCIAL PARTICIPATION IN THE APPOINTMENT OF SUPREME COURT JUDGES, PLUS A GUARANTEE OF FOUR PLACES ON THE COURT FOR QUEBEC; AND THE REPLACEMENT OF THE SENATE BY A HOUSE OF THE FEDERATION -- OF WHICH HALF OF THE MEMBERS WOULD BE APPOINTED BY THE PROVINCIAL GOVERNMENTS AND HALF BY THE FEDERAL GOVERNMENT.

A FIRST MINISTERS' CONFERENCE ON THE CONSTITUTION WAS HELD IN NOVEMBER, 1978. THE PROVINCES COULD NOT AGREE ON THE ENTRENCHMENT OF INDIVIDUAL LIBERTIES AND LANGUAGE RIGHTS IN THE CONSTITUTION, AND EXPRESSED DISAPPROVAL OF THE FEDERAL BILL C-60. THE BILL WAS THEN REFERRED BY THE FEDERAL GOVERNMENT TO THE SUPREME COURT OF CANADA FOR AN OPINION ON ITS CONSTITUTIONALITY.

ON DECEMBER 21, 1979, THE SUPREME COURT OF CANADA CONFIRMED THAT THE FEDERAL GOVERNMENT'S POWERS TO AMEND THE CONSTITUTION UNDER THE BRITISH NORTH AMERICA ACT



WERE LIMITED TO MATTERS WHICH AFFECTED THE FEDERAL GOVERNMENT. IN THE COURT'S OPINION, SEVERAL OF THE CONSTITUTIONAL AMENDMENTS PROPOSED IN BILL C-60 WERE OUTSIDE THE SCOPE OF THE UNILATERAL FEDERAL AMENDING POWER, AND THE BILL WAS, THEREFORE, UNCONSTITUTIONAL IN THESE RESPECTS.

THE QUEBEC REFERENDUM TOOK PLACE IN THE SPRING OF 1980. WE ALL KNOW WHAT A SIGNIFICANT EVENT THE REFERENDUM WAS FOR THE PEOPLE OF QUEBEC AND CANADA. DURING THE CAMPAIGN, PRIME MINISTER TRUDEAU PROMISED THAT HE WOULD RESPOND TO A "NO" VOTE WITH AN INITIATIVE TO REFORM THE CONSTITUTION AND ADDRESS THE ASPIRATIONS OF QUEBECERS WITHIN A "RENEWED FEDERALISM." SEVERAL PROVINCIAL PREMIERS INCLUDING PREMIER DAVIS OF ONTARIO ECHOED THIS THEME. ON MAY 20TH, 1980, THE QUEBEC ELECTORATE REJECTED THE PARTI QUBECOIS REQUEST FOR A MANDATE TO NEGOTIATE SOVEREIGNTY-ASSOCIATION WITH CANADA, BY A VOTE OF SIXTY PERCENT TO FORTY PERCENT.

WITHIN THREE WEEKS, THE FIRST MINISTERS MET IN OTTAWA AND MANDATED THEIR NEGOTIATORS TO BEGIN A NEW SERIES OF DISCUSSIONS ON COMPREHENSIVE CONSTITUTIONAL REFORM. WHILE CONSIDERABLE PROGRESS WAS MADE OVER THE SUMMER, NO AGREEMENT WAS REACHED AT THE FIRST MINISTERS'



CONFERENCE HELD IN SEPTEMBER, 1980. AGAIN, THE PRIME MINISTER AND THE PREMIERS WERE UNABLE TO FIND A SATISFACTORY ACCOMMODATION AMONG NATION-BUILDING, REGIONALISM, AND DUALITY.

AFTER THE FAILURE OF THE SEPTEMBER CONFERENCE, THE TRUDEAU GOVERNMENT DECIDED THAT IT WOULD PROCEED WITH ITS CONSTITUTIONAL AGENDA UNILATERALLY. ON OCTOBER 2ND, 1980, THE FEDERAL GOVERNMENT TABLED A CONSTITUTIONAL RESOLUTION THAT WOULD HAVE PATRIATED THE CONSTITUTION WITH AN AMENDING FORMULA, A CHARTER OF RIGHTS, AND PROTECTIONS FOR MINORITY LANGUAGES.

ALL OF THE PROVINCES, WITH THE EXCEPTION OF ONTARIO AND NEW BRUNSWICK, OPPOSED THE UNILATERAL FEDERAL ACTION. THE GOVERNMENTS OF QUEBEC, MANITOBA AND NEWFOUNDLAND REFERRED THE FEDERAL RESOLUTION TO THEIR COURTS OF APPEAL FOR AN OPINION ON ITS CONSTITUTIONALITY. THESE OPINIONS WERE THEN APPEALED TO THE SUPREME COURT OF CANADA.

ON THE 28TH OF SEPTEMBER, 1981, THE SUPREME COURT RENDERED ITS OPINION IN THE PATRIATION REFERENCE ON NATIONAL TELEVISION. THE SUPREME COURT UPHELD THE LEGALITY OF THE FEDERAL RESOLUTION. HOWEVER, THE COURT



ALSO STATED THAT THE ATTEMPT TO AMEND THE CONSTITUTION UNILATERALLY WAS UNCONSTITUTIONAL IN THE CONVENTIONAL SENSE BECAUSE IT LACKED A SUBSTANTIAL DEGREE OF PROVINCIAL SUPPORT.

THIS JUDGEMENT HAD THE EFFECT OF FORCING THE FEDERAL AND PROVINCIAL GOVERNMENTS BACK TO THE BARGAINING TABLE. AT THE HISTORIC CONSTITUTIONAL CONFERENCE OF NOVEMBER 1981, THE PRIME MINISTER FINALLY REACHED AN ACCOMMODATION WITH NINE OF THE PROVINCES ON A REFORM PACKAGE WHICH INCLUDED PATRIATION OF THE CONSTITUTION WITH AN AMENDING FORMULA, A CHARTER OF RIGHTS AND FREEDOMS, AND PROTECTIONS FOR THE TWO OFFICIAL LANGUAGES. HOWEVER, IT WAS NOT AGREED TO BY QUEBEC.

THE CONSTITUTION ACT, 1982, WAS PROCLAIMED BY THE QUEEN IN A CELEBRATION IN OTTAWA ON APRIL 17, 1982. IT CONFIRMED CANADA'S FULL INDEPENDENCE BY REMOVING AT LAST THE ANACHRONISTIC REQUIREMENT OF RETURNING TO WESTMINSTER TO AMEND THE CANADIAN CONSTITUTION. THE 1982 CONSTITUTION REINFORCED THE NATIONAL IDENTITY OF CANADIANS BY PROVIDING A STATEMENT OF OUR NATIONAL IDEALS IN THE CHARTER OF RIGHTS AND FREEDOMS. THE CHARTER NOT ONLY PROTECTED CANADIANS' INDIVIDUAL



LIBERTIES FROM OPPRESSIVE STATE ACTION, BUT RECOGNIZED AND REINFORCED THE RIGHTS OF WOMEN, THE ABORIGINAL PEOPLES, AND THE MULTICULTURAL NATURE OF CANADA. IT ALSO PROVIDED PROTECTION FOR THE TWO OFFICIAL LANGUAGES OF CANADA.

IT ALSO ADDRESSED THE CANADA-WIDE DIMENSION OF DUALITY BY PROVIDING PROTECTION FOR THE TWO OFFICIAL LANGUAGES OF CANADA AND FOR MINORITY LANGUAGE EDUCATION RIGHTS.

THE COMPROMISE STRUCK BY THE FIRST MINISTERS ALSO ADDRESSED THE ISSUE OF REGIONALISM IN CANADA. THE ACT INCLUDED AN AMENDING FORMULA WHICH RECOGNIZED THE PRINCIPLE OF EQUALITY AMONG PROVINCES, A PROVINCIAL RIGHT TO OPT OUT OF CONSTITUTIONAL AMENDMENTS TRANSFERRING PROVINCIAL POWERS TO THE FEDERAL GOVERNMENT, A REQUIREMENT FOR UNANIMITY TO AMEND THE CONSTITUTION WITH RESPECT TO A SHORT LIST OF NATIONAL INSTITUTIONS, AND A RIGHT OF GOVERNMENTS TO DECLARE LEGISLATION OPERATIVE NOTWITHSTANDING CERTAIN PROVISIONS OF THE CHARTER OF RIGHTS AND FREEDOMS.

THUS, THE 1982 AMENDMENTS GAVE CONSTITUTIONAL EXPRESSION TO NATION-BUILDING, REGIONALISM, AND TO THE PAN-CANADIAN ASPECT OF DUALITY. THEY ALSO RECOGNIZED



ABORIGINAL AND SEXUAL EQUALITY RIGHTS, AND THE MULTICULTURAL NATURE OF CANADIAN SOCIETY.

HOWEVER, THE AMENDMENTS DID NOT ADDRESS THE CENTRAL QUESTION OF QUEBEC'S PLACE WITHIN CANADA.

ON APRIL 17, 1982, FLAGS IN QUEBEC WERE FLOWN AT HALF MAST. IN THE EYES OF MANY QUEBECERS, THE NEW AMENDING FORMULA ARBITRARILY TOOK AWAY THE HISTORICAL CONSTITUTIONAL VETO OF THE GOVERNMENT OF QUEBEC, AND SUBJECTED QUEBEC'S FUTURE PLACE IN THE FEDERATION TO THE DISCRETION OF THE OTHER PROVINCES. THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS WAS VIEWED AS STRIPPING THE PROVINCIAL GOVERNMENT OF ITS FULL POWERS TO PROTECT THE FRENCH LANGUAGE AND CULTURE IN QUEBEC, AND AS SUBJECTING PROVINCIAL LEGISLATION TO A SET OF FEDERALLY IMPOSED STANDARDS.

FURTHERMORE, THE 1982 PACKAGE OF AMENDMENTS DID NOTHING TO ADDRESS QUEBEC'S DESIRE TO BE RECOGNIZED AS A DISTINCT SOCIETY, NOR DID IT DEAL WITH THE PROVINCE'S LONGSTANDING CONCERNs ABOUT THE DISTRIBUTION OF POWERS IN AREAS SUCH AS IMMIGRATION AND THE FEDERAL SPENDING POWER.



THE CHANGES TO THE POWERS OF THE QUEBEC GOVERNMENT WERE IMPOSED ON THE GOVERNMENT OF QUEBEC WITHOUT ITS CONSENT. EVEN THOUGH THE CHANGES WERE LEGALLY BINDING, SOME RESIDENTS OF THAT PROVINCE VIEWED THEM AS ILLEGITIMATE. THUS THE CONSTITUTIONAL REFORM OF 1982 DID NOT ADEQUATELY REFLECT THE VALUES AND ASPIRATIONS OF A SIGNIFICANT PART OF THE CANADIAN POPULATION RESIDING IN QUEBEC. ALTHOUGH IT WAS A TREMENDOUS ACT OF NATION-BUILDING FOR MOST CANADIANS, THE 1982 REFORMS DID NOT BRING THE QUEBECOIS COMMUNITY INTO AN ACCOMMODATION WITH THE REST OF THE COUNTRY.

THE QUEBEC GOVERNMENT FELT BETRAYED AND DISILLUSIONED AFTER THE EVENTS OF 1981 AND 1982, AND REFUSED TO PARTICIPATE IN THE FEDERAL-PROVINCIAL CONFERENCES OF THE EARLY AND MID-1980'S. THE ISOLATION OF QUEBEC HAD A HIGHLY DETRIMENTAL EFFECT UPON THE CONDUCT OF INTERGOVERNMENTAL RELATIONS DURING THIS PERIOD. FOR EXAMPLE, ONE IMPACT OF QUEBEC'S ABSENCE FROM THE CONSTITUTIONAL BARGAINING TABLE WAS TO REDUCE SIGNIFICANTLY THE CHANCES FOR SUCCESS OF THE SERIES OF FIRST MINISTERS' CONFERENCES ON ABORIGINAL RIGHTS. WITHOUT QUEBEC'S SUPPORT, IT WAS MUCH MORE DIFFICULT TO ACHIEVE THE NECESSARY CONSENSUS FOR AN AMENDMENT GUARANTEEING ABORIGINAL SELF-GOVERNMENT. IN ADDITION,



THE PARTI QUEBECOIS GOVERNMENT SYSTEMATICALLY INVOKED THE NOTWITHSTANDING CLAUSE TO SUSPEND THE PROTECTIONS OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS IN RESPECT OF ALL ITS LEGISLATION.

IN THE FEDERAL ELECTION OF SEPTEMBER 1984, PRIME MINISTER MULRONEY WON A LARGE MAJORITY IN THE HOUSE OF COMMONS. DURING THE CAMPAIGN, HE PROMISED A NEW EFFORT TO REFORM THE CONSTITUTION AND BRING QUEBEC BACK INTO THE CANADIAN FAMILY.

THE DEFEAT IN DECEMBER, 1985, OF THE PARTI QUEBECOIS GOVERNMENT BY ROBERT BOURASSA'S LIBERALS, CREATED THE CONDITIONS FOR AN ACCOMMODATION WITH QUEBEC. THE LIBERAL PARTY ALSO CAMPAIGNED ON A COMMITMENT TO RESTORE QUEBEC'S ROLE AND STATURE IN THE FEDERATION THROUGH A PROGRAM OF CONSTITUTIONAL REFORM. THE MAIN ELEMENTS OF THE REFORMS PROPOSED BY THE PARTY INCLUDEDrecognition of the duality of Canada, guarantees for Quebec's cultural security, and an updating of the federal system to take into account Quebec's interests with respect to the Supreme Court, the Senate, and the division of powers.



IN A SYMPOSIUM HELD AT MONT-GABRIEL IN MAY 1986, QUEBEC'S MINISTER OF INTERGOVERNMENTAL RELATIONS CLARIFIED QUEBEC'S REQUIREMENTS FOR ADHERENCE TO THE CONSTITUTIONAL SETTLEMENT OF 1982. QUEBEC'S PROPOSALS WERE:

- RECOGNITION OF QUEBEC AS A DISTINCT SOCIETY;
- A GREATER PROVINCIAL ROLE IN IMMIGRATION;
- A PROVINCIAL ROLE IN APPOINTMENTS TO THE SUPREME COURT OF CANADA;
- LIMITATIONS ON THE FEDERAL SPENDING POWER; AND
- RESTORATION OF QUEBEC'S VETO ON CONSTITUTIONAL AMENDMENTS.

AT THE ANNUAL PREMIERS' CONFERENCE HELD IN EDMONTON IN AUGUST, 1986, THE PROVINCIAL PREMIERS UNANIMOUSLY DECLARED IN THEIR COMMUNIQUE THAT THE FIRST PRIORITY FOR CONSTITUTIONAL REFORM WAS TO COMMENCE FEDERAL-PROVINCIAL NEGOTIATIONS ON THE BASIS OF QUEBEC'S CONSTITUTIONAL PROPOSALS, AFTER WHICH DISCUSSIONS WOULD PROCEED ON OTHER ISSUES INCLUDING SENATE REFORM AND



FISHERIES. THIS AGREEMENT TO HOLD A "QUEBEC ROUND" OF DISCUSSIONS BASED ON ITS FIVE CONDITIONS WAS CONFIRMED IN A COMMUNIQUE BY ALL ELEVEN FIRST MINISTERS AT THE NOVEMBER 1986 FIRST MINISTERS' CONFERENCE IN VANCOUVER.

DURING THE ENSUING WINTER AND SPRING, A SERIES OF BILATERAL DISCUSSIONS WERE HELD ACROSS THE COUNTRY BETWEEN FEDERAL AND QUEBEC NEGOTIATORS AND THEIR PROVINCIAL COUNTERPARTS, IN ORDER TO PREPARE FIRST MINISTERS FOR THEIR UPCOMING DISCUSSIONS.

AT THE MEETING AT MEECH LAKE, ON APRIL 30TH, 1987, THE FIRST MINISTERS REACHED A UNANIMOUS AGREEMENT IN PRINCIPLE BASED ON QUEBEC'S FIVE PROPOSALS, WHICH WAS THEN RELEASED TO THE PUBLIC. DURING MAY, GOVERNMENTS CONSULTED CONSTITUTIONAL EXPERTS BOTH WITHIN AND OUTSIDE THE PUBLIC SERVICE ON THE APPROPRIATE LEGAL WORDING FOR THESE PRINCIPLES. THE PRIME MINISTER AND THE PREMIERS MET AGAIN ON JUNE 2ND AND 3RD TO AGREE ON A FINAL DRAFT AND REACHED AGREEMENT ON THE TEXT OF THE CONSTITUTIONAL ACCORD WHICH IS BEFORE THE MEMBERS OF THIS COMMITTEE.

THIS ACCORD WAS MADE POSSIBLE BY THE FIRST MINISTERS' EARLIER AGREEMENT TO POSTPONE CONSIDERATION OF OTHER CONSTITUTIONAL ISSUES, IN ORDER TO FOCUS



ATTENTION ON QUEBEC'S FIVE CONDITIONS. IT REPRESENTS AN INTEGRATED SET OF PROPOSALS WHICH PERMIT QUEBEC TO PLAY ONCE AGAIN ITS FULL ROLE WITHIN CONFEDERATION. IT BUILDS ON THE LENGTHY PERIOD OF CONSTITUTIONAL DISCUSSION WHICH BEGAN IN THE LATE SIXTIES, AND RECAPTURES THE OPPORTUNITY WHICH WAS LOST IN 1982 TO ADDRESS THE HISTORICAL CONCERNs OF QUEBEC AND ITS PLACE IN THE CANADIAN CONFEDERATION.

I WANT TO CLOSE MY REMARKS TODAY BY HIGHLIGHTING THE TREMENDOUS INTEREST AND EMOTIONAL STAKE WHICH THE QUEBECOIS HAVE IN THE 1987 CONSTITUTIONAL ACCORD. THIS IMPRESSION HAS BEEN CONSTANTLY REINFORCED IN MY DISCUSSIONS WITH QUEBECERS IN MY CAPACITY AS ONTARIO'S REPRESENTATIVE TO THAT PROVINCE. I OFFER THE FOLLOWING OBSERVATIONS BY WAY OF A REPORT ON THE ACCORD AND ITS STATUS AND IMPACT IN QUEBEC:

FIRST, IN THE PERIOD LEADING UP TO MEECH LAKE THERE WAS A CONSIDERABLE DEBATE BETWEEN GOVERNMENT SPOKESMEN ON THE ONE HAND AND QUEBEC NATIONALISTS ON THE OTHER, THE LATTER CLAIMING THAT THE FIVE CONDITIONS QUEBEC HAD PUT FORWARD FOR AN ACCORD WERE NOT STRONG ENOUGH AND DID NOT SUFFICIENTLY REFLECT QUEBEC'S TRADITIONAL CLAIMS FOR DISTINCTIVENESS OR AUTONOMY.



SECOND, THERE WAS SKEPTICISM IN QUEBEC A YEAR AGO THAT AN AGREEMENT COULD BE REACHED AT ALL, GIVEN THE HISTORY OF FAILURE TO ACCOMMODATE QUEBEC'S CONCERNs, AND THE STATEMENTS THAT HAD BEEN MADE BY POLITICAL LEADERS OF SOME OF THE OTHER PROVINCES CRITICIZING ASPECTS OF THE FIVE POINTS.

THIRD, THE MAINSTREAM OF QUEBEC OPINION IN THE LAST TWO OR THREE YEARS TURNED AWAY FROM CONSTITUTIONAL MATTERS TO A PREOCCUPATION WITH ECONOMIC AFFAIRS. NEVERTHELESS, A STRONG FEELING OF BITTERNESS REMAINED. AN IMPRESSION HAD BEEN CREATED IN QUEBEC THAT THE 1981 CONSTITUTIONAL AGREEMENT WAS AN OCCASION WHEN THE REST OF THE COUNTRY HAD EXCLUDED AND EVEN BETRAYED QUEBEC.

FOURTH, WHEN IT WAS ANNOUNCED THAT AN AGREEMENT HAD BEEN REACHED AT MEECH LAKE, THE SENSE OF RELIEF IN QUEBEC WAS PALPABLE. MANY OPINION LEADERS SUPPORTED IT BECAUSE, FOR THE FIRST TIME, A CONSTITUTIONAL ARRANGEMENT HAD BEEN FOUND THAT RECOGNIZED A DISTINCT PLACE FOR QUEBEC WITHIN CANADA. THE OPPOSITION PARTY IN QUEBEC CRITICIZED THE ACCORD FOR NOT GOING FAR ENOUGH AND OTHER GROUPS WERE VERY SKEPTICAL ABOUT WHETHER THE WORDING WOULD PROVIDE THE DEGREE OF DISTINCTIVENESS FOR QUEBEC THAT ITS PROONENTS HAVE CLAIMED. IN FACT, THE



MAJORITY OF THE SUBMISSIONS MADE TO THE QUEBEC NATIONAL ASSEMBLY, WHICH REVIEWED THE MEECH LAKE ACCORD LAST MAY, STATED THAT FURTHER GUARANTEES FOR QUEBEC WERE NEEDED.

FIFTH, QUEBECERS GENERALLY ASSUME THAT A FORMAL DEAL HAS BEEN REACHED BY VIRTUE OF THE SIGNATURE OF THE ELEVEN FIRST MINISTERS. THE QUEBEC GOVERNMENT HAS INDICATED THAT THE CURRENT AGREEMENT IS A PACKAGE DESIGNED TO PERMIT QUEBEC'S ADHERENCE TO AND PARTICIPATION IN THE CONSTITUTION AND IN FUTURE CONSTITUTIONAL DISCUSSIONS. THERE IS A COMMITMENT BY THE QUEBEC GOVERNMENT TO DEAL SERIOUSLY WITH THE CONSTITUTIONAL CONCERN OF OTHER GOVERNMENTS AND WITH OTHER GROUPS IN SUBSEQUENT CONSTITUTIONAL ROUNDS FOLLOWING THE FORMAL RATIFICATION OF THE 1987 ACCORD.

LET ME CLOSE MY REMARKS BY QUOTING ONE QUEBECER, SOLANGE CHAPUT-ROLLAND, A MEMBER OF THE PEPIN-ROBARTS COMMISSION, WHO SAID IN 1987:

"INSIDE QUEBEC, SEVEN YEARS AGO, WE DECIDED THAT CANADA WAS OUR COUNTRY. WE HAVE YET TO FIND OUT WHETHER OUR LOYALTY WAS WELL PLACED. FRANKLY, IN 1982 I WONDERED IF THE AGONIES, THE PAINS, THE



QUARRELS, THE BITTERNESS FOLLOWING THE REFERENDUM HAD BEEN NECESSARY. WE VOTED FOR CANADA; CANADA THROUGH ITS CENTRAL GOVERNMENT TOTALLY ABSORBED IN ITS WILL TO PATRIATE THE BRITISH NORTH AMERICA ACT OF 1867, CARED VERY LITTLE ABOUT THOSE WHO HAD OPENLY STATED THEIR WILL TO REMAIN LINKED TO THIS COUNTRY. PROMISES AND DREAMS WERE SHATTERED; NOT A SINGLE QUEBECOIS WILL WANT TO GO THROUGH SUCH EMOTIONS AGAIN. YOU ENGLISH-SPEAKING CANADIANS HAVE ASKED DURING YEARS: WHAT DOES QUEBEC WANT? NOW YOU KNOW. IT HAS BEEN DESCRIBED IN FIVE PROPOSALS NOT WRITTEN BY CONSTITUTIONALISTS, JURISTS OR NATIONALISTS, BUT BY MEN DULY ELECTED BY "WE THE PEOPLE...""

I WILL NOW RETURN THE FLOOR TO DAVID CAMERON.



REMARKS OF DAVID CAMERON

I AM GOING TO TURN NOW TO THE 1987 CONSTITUTIONAL ACCORD ITSELF AND ADDRESS MYSELF TO TWO PARTICULAR MATTERS. FIRST, I WILL REVIEW THE PROCESS FOR THE RATIFICATION OF THE 1987 CONSTITUTIONAL ACCORD, AS SET OUT IN THE POLITICAL AGREEMENT AND THE RESOLUTION WHICH CONSTITUTE THE PREAMBLE TO THE ACCORD. SECOND, I WILL IDENTIFY THE ORIGINS OF THE MAIN ELEMENTS OF THE ACCORD, AND DESCRIBE HOW EACH IS A RESPONSE TO THE HISTORICAL NEEDS OF QUEBEC, AND REFLECTS THE CONCERNs OF THE OTHER PROVINCES AND THE FEDERAL GOVERNMENT.

THE 1987 CONSTITUTIONAL ACCORD IS COMPOSED OF THREE PARTS: A POLITICAL ACCORD WHICH SETS OUT THE UNDERTAKINGS OF THE FEDERAL AND PROVINCIAL GOVERNMENTS UNDER THE ACCORD; A CONSTITUTIONAL RESOLUTION, WHICH EACH GOVERNMENT HAS AGREED TO PLACE BEFORE ITS LEGISLATURE IN ORDER TO INTRODUCE THE PROPOSED CONSTITUTIONAL AMENDMENTS, AND A SCHEDULE OF CONSTITUTIONAL AMENDMENTS, WHICH FORMS THE MAJOR PART OF THE ACCORD.



UNDER THE POLITICAL ACCORD, THE FIRST MINISTERS MAKE A COMMITMENT TO LAY BEFORE PARLIAMENT AND THE LEGISLATIVE ASSEMBLIES, AS SOON AS POSSIBLE, THE RESOLUTION CALLING FOR AMENDMENTS TO THE CONSTITUTION OF CANADA. AS YOU KNOW, THE GOVERNMENT OF ONTARIO TABLED THE RESOLUTION IN THE LEGISLATIVE ASSEMBLY ON NOVEMBER 25, 1987.

THE RESOLUTION ITSELF THEN RECITES THAT CERTAIN OF THE SPECIFIC CONSTITUTIONAL CHANGES PROPOSED IN THE SCHEDULE REQUIRE UNANIMOUS FEDERAL AND PROVINCIAL SUPPORT UNDER THE 1982 AMENDING FORMULA. THE CONSTITUTIONAL RESOLUTION THEREFORE INVOKES THE UNANIMITY PROCEDURE FOR AMENDING THE CONSTITUTION, UNDER SECTION 41 OF THE CONSTITUTION ACT, 1982. FOR THE AMENDMENTS TO TAKE EFFECT, THE RESOLUTION AND THE SCHEDULE MUST BE PASSED IN IDENTICAL FORM BY PARLIAMENT AND THE HOUSE OF COMMONS AND THE LEGISLATIVE ASSEMBLY OF EACH PROVINCE.

OF COURSE, EACH LEGISLATURE RETAINS THE POWER TO APPROVE OR REJECT THE ACCORD OR TO PASS IT WITH AMENDED WORDING. IF CHANGES WERE TO BE PROPOSED BY ANY LEGISLATURE, AND THE FIRST MINISTERS WERE ABLE TO AGREE UPON NEW WORDING, ALL RESOLUTIONS PASSED PRIOR TO THAT



DATE WOULD HAVE TO BE PASSED AGAIN WITH THE AGREED-UPON AMENDMENTS.

SO FAR, THE ACCORD HAS BEEN PASSED BY THE QUEBEC NATIONAL ASSEMBLY, THE SASKATCHEWAN LEGISLATURE, THE HOUSE OF COMMONS, AND, MOST RECENTLY, THE ALBERTA LEGISLATURE. THREE OF THE REMAINING PROVINCIAL LEGISLATURES WILL HOLD PUBLIC HEARINGS BEFORE SUBMITTING THE ACCORD TO A VOTE. THESE ARE THE LEGISLATIVE ASSEMBLIES OF NEW BRUNSWICK, MANITOBA, AND ONTARIO.

THE SENATE CAN REJECT, FAIL TO PASS, OR ALTER THE SCHEDULE OF AMENDMENTS. HOWEVER, SIX MONTHS AFTER PASSAGE BY THE HOUSE OF COMMONS -- THAT IS, AS OF APRIL 27TH -- THE HOUSE MAY RE-PASS THE RESOLUTION AND SCHEDULE IN ITS UN-AMENDED FORM AND IT WILL BE PROCLAIMED BY THE GOVERNOR GENERAL DESPITE THE LACK OF APPROVAL BY THE SENATE. SO FAR THE SENATE HAS HELD HEARINGS IN OTTAWA AND THE NORTH BUT IT HAS NOT YET DEBATED THE ACCORD.

IF PARLIAMENT OR ANY OF THE PROVINCES HAS NOT PASSED THE RESOLUTION AND SCHEDULE BY JUNE 23, 1990 -- WHICH IS THREE YEARS FROM THE DATE OF PASSAGE BY THE FIRST ASSEMBLY, QUEBEC -- THEN, UNDER SECTION 39 OF THE CONSTITUTION ACT, 1982, THE PROCESS EXPIRES AND THE



AMENDMENTS CANNOT BE PROCLAIMED WITHOUT BEGINNING THE WHOLE PROCESS ANEW.

I NOW WILL CONSIDER THE ORIGINS OF THE MAIN CLAUSES OF THE 1987 CONSTITUTIONAL ACCORD, AND HOW EACH RESPONDS TO THE HISTORICAL NEEDS OF QUEBEC AND TO THE CONCERNs OF THE FEDERAL GOVERNMENT AND THE OTHER PROVINCIAL GOVERNMENTS.

CLAUSE ONE OF THE ACCORD IS AN INTERPRETATION CLAUSE WHICH PROVIDES THAT THE CONSTITUTION OF CANADA SHALL BE INTERPRETED CONSISTENTLY WITH TWO FUNDAMENTAL CHARACTERISTICS OF CANADA; FIRSTLY, THE REALITY OF LINGUISTIC DUALITY IN CANADA, AND SECONDLY, THE FACT THAT QUEBEC CONSTITUTES WITHIN CANADA A DISTINCT SOCIETY. THE CLAUSE ALSO AFFIRMS THE ROLE OF PARLIAMENT AND ALL THE PROVINCIAL LEGISLATURES TO PRESERVE CANADA'S LINGUISTIC DUALITY, AND THE PARTICULAR ROLE OF THE QUEBEC NATIONAL ASSEMBLY TO PRESERVE AND PROMOTE QUEBEC'S DISTINCT CHARACTER.

THE RECOGNITION OF QUEBEC'S DISTINCT CHARACTER IN THE CONSTITUTION IS NOT ENTIRELY NEW. THE CONSTITUTION ALREADY PROTECTS THE DISTINCT NATURE OF QUEBEC'S JUSTICE AND EDUCATION SYSTEMS, AND THE USE OF THE FRENCH LANGUAGE IN QUEBEC GOVERNMENT INSTITUTIONS AND THE



COURTS. PROPOSALS TO RECOGNIZE EXPLICITLY QUEBEC'S DISTINCT SOCIETY HAVE ALSO BEEN MADE DURING THE MOST RECENT PERIOD OF CONSTITUTIONAL REFORM. IN 1979, THE PEPIN-ROBARTS TASK FORCE ON CANADIAN UNITY PROPOSED THE EXPLICIT RECOGNITION OF QUEBEC'S DISTINCT SOCIETY AS PART OF THE SOLUTION TO THE CONSTITUTIONAL IMPASSE OF THE LATE 1970's, AS DID THE BEIGE PAPER OF THE QUEBEC LIBERAL PARTY IN 1980.

THE DISTINCT SOCIETY CLAUSE, AS IT HAS COME TO BE CALLED, IS A CORNERSTONE OF THE 1987 CONSTITUTIONAL ACCORD. IT GIVES CONSTITUTIONAL RECOGNITION TO THE DISTINCT NATURE OF QUEBEC, DEFINED BY PEPIN AND ROBARTS IN TERMS OF HISTORY, LANGUAGE, LAW, COMMON ORIGINS, ASPIRATIONS AND POLITICS.

HOWEVER, IN RECOGNIZING QUEBEC'S DISTINCT CHARACTER THE FIRST MINISTERS WERE CAREFUL NOT TO DIMINISH THE PAN-CANADIAN ASPECT OF LINGUISTIC DUALITY, WHICH EACH GOVERNMENT IS MANDATED TO PRESERVE. IN ADDITION, CLAUSE 16 CONFIRMS THAT THE RIGHTS OF THE ABORIGINAL PEOPLES AND THE MULTICULTURAL NATURE OF CANADA, AS RECOGNIZED IN THE CONSTITUTION ACTS OF 1867 AND 1982, ARE NOT AFFECTED BY THE DISTINCT SOCIETY CLAUSE.



CLAUSE TWO OF THE CONSTITUTIONAL ACCORD INTRODUCES A NEW PROCESS FOR FILLING VACANCIES IN THE SENATE. THE NEW PROVISION GIVES PROVINCES THE RIGHT TO PARTICIPATE IN THE APPOINTMENT PROCESS BY SUBMITTING LISTS OF NOMINEES, FROM WHICH THE FEDERAL GOVERNMENT WILL PICK A NAME TO SUBMIT TO THE GOVERNOR GENERAL. THIS MECHANISM IS, HOWEVER, INTENDED TO BE TEMPORARY, PENDING MORE COMPREHENSIVE SENATE REFORM.

PROPOSALS FOR SENATE REFORM HAVE BEEN MADE FOR A NUMBER OF YEARS. THERE ARE A VARIETY OF SUCH PROPOSALS BASED ON DIFFERENT APPOINTMENT MECHANISMS, POWERS, AND METHODS OF REPRESENTATION. FOR EXAMPLE, THE FEDERAL GOVERNMENT PROPOSED IN BILL C-60 TO ESTABLISH A HOUSE OF THE FEDERATION IN WHICH HALF OF THE SENATORS WOULD BE APPOINTED BY THE PROVINCIAL GOVERNMENTS AND HALF BY THE FEDERAL GOVERNMENT. THE ONTARIO ADVISORY COMMITTEE ON CONFEDERATION AND THE PEPIN-ROBERTS COMMISSION RECOMMENDED A HOUSE OF THE PROVINCES -- NOT UNLIKE THE SECOND CHAMBER IN WEST GERMANY. MORE RECENTLY, THE GOVERNMENT OF ALBERTA HAS EXPRESSED ITS SUPPORT FOR AN "EQUAL, ELECTED AND EFFECTIVE" SENATE.



VIRTUALLY ALL OF THESE PROPOSALS CALL FOR A SENATE WHICH BETTER FULFILLS THE FUNCTION OF REPRESENTING THE REGIONS IN NATIONAL GOVERNMENT AND DECISION-MAKING. THE PROPOSAL FOR A JOINT NOMINATING PROCESS IN CLAUSE TWO OF THE MEECH LAKE ACCORD IS AN INTERIM MEASURE, WHILE CLAUSE THIRTEEN SPECIFIES THAT MORE COMPREHENSIVE SENATE REFORM WILL BE THE FIRST ITEM FOR THE NEXT ROUND OF CONSTITUTIONAL DISCUSSIONS.

CLAUSE THREE OF THE 1987 ACCORD WOULD PERMIT THE PROVINCES TO ENTER INTO AGREEMENTS WITH THE FEDERAL GOVERNMENT RESPECTING IMMIGRATION, WHICH IS A SUBJECT OF CONCURRENT FEDERAL AND PROVINCIAL JURISDICTION. THESE AGREEMENTS COULD THEN BE CONSTITUTIONALLY ENTRENCHED, BUT WOULD BE SUBJECT TO THE MOBILITY PROVISIONS OF THE CHARTER OF RIGHTS AND FREEDOMS.

SINCE 1978, QUEBEC HAS HAD AN IMMIGRATION AGREEMENT WITH THE FEDERAL GOVERNMENT KNOWN AS THE CULLEN-COUTURE AGREEMENT. THIS AGREEMENT GUIDES FEDERAL IMMIGRATION POLICIES SO AS TO MAKE THEM MORE SENSITIVE TO QUEBEC'S HISTORICAL CONCERN IN THIS AREA. QUEBEC IS CONCERNED ABOUT IMMIGRATION BECAUSE OF ITS IMPACT ON THE UNIQUE FRENCH CHARACTER OF THE PROVINCE, AND ITS IMPORTANCE IN MAINTAINING QUEBEC'S PERCENTAGE SHARE OF THE OVERALL CANADIAN POPULATION.



THE SUPREME COURT OF CANADA HAS BEEN ANOTHER CONSISTENT SUBJECT OF PROPOSALS TO AMEND THE CANADIAN CONSTITUTION. THIS IS A REFLECTION OF THE CRUCIAL ROLE THE COURT PLAYS BOTH AS A FINAL COURT OF APPEAL AND AS THE FORUM FOR DETERMINING CONSTITUTIONAL QUESTIONS RESPECTING THE CHARTER OF RIGHTS AND THE FEDERAL-PROVINCIAL DISTRIBUTION OF POWERS.

CLAUSES FOUR TO SIX OF THE ACCORD WOULD AFFIRM AND ENTRENCH THE SUPREME COURT OF CANADA AS THE FINAL COURT OF APPEAL FOR CANADA. THEY WOULD ALSO GUARANTEE AT LEAST THREE PLACES ON THE SUPREME COURT FOR QUEBEC JUDGES, IN ORDER TO ENSURE THAT THE COURT IS FULLY COMPETENT IN QUEBEC CIVIL LAW. THE LATTER AMENDMENT WOULD CONSTITUTIONALIZE THE EXISTING REQUIREMENT FOR AT LEAST THREE QUEBEC JUDGES WHICH IS FOUND IN THE PRESENT SUPREME COURT ACT. THE PROPOSAL TO PROVIDE SUCH A CONSTITUTIONAL GUARANTEE WAS MADE IN BOTH THE VICTORIA CHARTER OF 1971 AND IN THE FEDERAL BILL C-60 OF 1978.

THE ACCORD ALSO CALLS FOR A NEW MECHANISM FOR THE APPOINTMENT OF SUPREME COURT JUDGES. THE MECHANISM IS SIMILAR TO THE ONE PROPOSED FOR THE APPOINTMENT OF SENATORS -- PROVINCES WOULD SUBMIT A LIST OF NOMINEES



FROM WHICH THE FEDERAL GOVERNMENT WOULD PICK AN ACCEPTABLE CANDIDATE. THIS AMENDMENT IS INTENDED TO ENSURE THAT THE FINAL ARBITERS OF FEDERAL-PROVINCIAL JURISDICTIONAL DISPUTES ARE APPOINTED AFTER A PROCESS OF CONSULTATION AND COOPERATION BETWEEN THE TWO LEVELS OF GOVERNMENT, RATHER THAN UNILATERALLY BY THE FEDERAL GOVERNMENT. AGAIN, THE PROPOSAL TO INVOLVE THE PROVINCES DIRECTLY IN SUPREME COURT APPOINTMENTS IS NOT NEW -- SUCH A PROPOSAL WAS INCLUDED IN THE VICTORIA CHARTER OF 1971.

CLAUSE SEVEN DEALS WITH AN ASPECT OF THE FEDERAL SPENDING POWER -- NAMELY THE POWER TO ESTABLISH NATIONAL SHARED-COST PROGRAMS IN AREAS OF EXCLUSIVE PROVINCIAL JURISDICTION. THIS CLAUSE WOULD PERMIT PROVINCIAL GOVERNMENTS TO OPT OUT OF NEW NATIONAL SHARED-COST PROGRAMS WITH FINANCIAL COMPENSATION, SO LONG AS THE PROVINCE IMPLEMENTS A PROGRAM OF ITS OWN WHICH IS COMPATIBLE WITH THE NATIONAL OBJECTIVES. THE CLAUSE ALSO PROVIDES THE FIRST EXPLICIT CONSTITUTIONALrecognition of the spending power and affirms the federal right to set national objectives in areas of exclusive provincial jurisdiction.



THIS PROPOSED CLARIFICATION OF THE SPENDING POWER RESPONDS TO THE CONCERN OF QUEBEC AND THE OTHER PROVINCES THAT THE POWER DISTORTS THE FEDERAL-PROVINCIAL DISTRIBUTION OF LEGISLATIVE COMPETENCE UNDER THE CONSTITUTION ACT, 1867. DURING THE 1968-71 CONSTITUTIONAL REVIEW PROCESS, THE FEDERAL GOVERNMENT ITSELF PROPOSED THAT USE OF SPENDING POWER IN THE SOCIAL POLICY FIELD BE SUBJECT TO PROVINCIAL APPROVAL.

CLAUSES NINE TO TWELVE MODIFY THE CONSTITUTIONAL AMENDING FORMULA IN THE CONSTITUTION ACT, 1982. THE FIRST CHANGE IS TO REQUIRE UNANIMITY TO AMEND SOME MATTERS WHICH FORMERLY FELL UNDER THE LESS STRINGENT GENERAL AMENDING FORMULA. THESE INCLUDE AMENDMENTS RESPECTING THE HOUSE OF COMMONS, THE SENATE, THE SUPREME COURT OF CANADA, AND THE ESTABLISHMENT OF NEW PROVINCES, ALL MATTERS WHICH FUNDAMENTALLY AFFECT THE NATURE OF THE FEDERATION. THIS CHANGE RESPONDS IN PART TO ONE OF QUEBEC'S FIVE CONSTITUTIONAL CONCERNs, NAMELY THE RESTORATION OF ITS TRADITIONAL VETO, AND AT THE SAME TIME PRESERVES THE ESSENTIAL PRINCIPLE OF EQUALITY OF PROVINCES WHICH WAS ESTABLISHED IN THE 1982 AMENDING FORMULA, AND WHICH WAS INSISTED ON BY A NUMBER OF PROVINCES. THE LIST OF MATTERS FOR WHICH UNANIMOUS APPROVAL WOULD BE REQUIRED IS LIMITED, AND THE AMENDING



FORMULA REMAINS MORE FLEXIBLE THAN IN SOME PREVIOUS PROPOSALS SUCH AS THE FULTON-FAVREAU FORMULA OF 1964.

THE SECOND CHANGE IS TO BROADEN THE PROVINCIAL RIGHT UNDER THE CONSTITUTION ACT, 1982, TO OPT OUT OF CONSTITUTIONAL AMENDMENTS WHICH TRANSFER PROVINCIAL LEGISLATIVE POWERS TO THE FEDERAL GOVERNMENT. HOWEVER, THERE IS NO CHANGE TO THE BASIC CONSTITUTIONAL AMENDING FORMULA WHICH APPLIES TO MOST MATTERS -- NAMELY THE APPROVAL OF PARLIAMENT AND TWO-THIRDS OF THE LEGISLATURES REPRESENTING FIFTY PERCENT OF THE CANADIAN POPULATION.

FINALLY, CLAUSES EIGHT AND THIRTEEN OF THE ACCORD ENSHRINE ANNUAL FIRST MINISTERS' CONFERENCES ON THE ECONOMY AND THE CONSTITUTION. CLAUSE THIRTEEN ALSO PROVIDES THAT THE CONSTITUTIONAL CONFERENCES SHALL ADDRESS THE ISSUES OF SENATE REFORM, FISHERIES, AND OTHER MATTERS AS ARE AGREED UPON BY THE FIRST MINISTERS.

FIRST MINISTERS' CONFERENCES HAVE, OF COURSE, BEEN A FACT OF CANADIAN POLITICAL LIFE FOR MANY YEARS. THEY ARE A RESULT OF THE NEED IN A FEDERAL STATE FOR AN ONGOING PROCESS OF INTERGOVERNMENTAL DIALOGUE AND



ACTION. THE ENTRENCHMENT OF FIRST MINISTERS' CONFERENCES WAS PROPOSED IN THE VICTORIA CHARTER OF 1971. THE CONSTITUTION ACT, 1982 PROVIDES FOR A CONSTITUTIONAL CONFERENCE WITHIN FIFTEEN YEARS TO REVIEW THE 1982 AMENDING FORMULA. IN ADDITION, SECTION 37 OF THAT ACT, WHICH WAS ADDED IN 1983, PROVIDED FOR A SERIES OF CONFERENCES ON ABORIGINAL ISSUES.

THE ENTRENCHMENT OF FIRST MINISTERS' CONFERENCES IN THE CONSTITUTION ACT, 1987 WILL ENSURE THAT ECONOMIC ISSUES OF NATIONAL CONCERN ARE DEALT WITH IN A COOPERATIVE INTERGOVERNMENTAL FORUM, AND THAT ADJUSTMENTS TO OUR CONSTITUTIONAL ARRANGEMENTS ARE ADDRESSED AS THEY FROM TIME TO TIME BECOME NECESSARY.

DON STEVENSON NOTED DURING HIS PRESENTATION THAT THE MEECH LAKE NEGOTIATIONS WERE MADE POSSIBLE BECAUSE OF AN AGREEMENT AMONG THE FIRST MINISTERS TO SET ASIDE TEMPORARILY OTHER CONSTITUTIONAL CONCERNS IN ORDER TO ADDRESS THE QUEBEC ISSUE AS A FIRST PRIORITY. THE INCLUSION OF ANNUAL CONSTITUTIONAL CONFERENCES IN THE ACCORD REFLECTS THE COMMITMENT OF THE FIRST MINISTERS TO PROCEED WITH OTHER QUESTIONS AFTER THE COMPLETION OF THE QUEBEC ROUND.



AS THE NEXT ORDER OF CONSTITUTIONAL BUSINESS, THE FIRST MINISTERS HAVE AGREED TO DISCUSS SENATE REFORM, WHICH IS A MATTER OF CONSIDERABLE IMPORTANCE, PARTICULARLY TO WESTERN CANADIANS AND THE WESTERN PROVINCIAL GOVERNMENTS. THEY HAVE ALSO AGREED TO ADDRESS THE QUESTION OF ROLES AND RESPONSIBILITIES IN RELATION TO FISHERIES, WHICH IS AN ISSUE OF CONCERN TO NEWFOUNDLAND. IN ADDITION, THE ANNUAL CONSTITUTIONAL CONFERENCES WILL PROVIDE A FORUM FOR THE DISCUSSION OF OTHER CONSTITUTIONAL ISSUES OF IMPORTANCE TO CANADIANS.

MR. CHAIRMAN, I BEGAN MY REMARKS THIS MORNING BY LOOKING BACK AT THE HISTORICAL PROCESS OF ADJUSTMENT IN CANADA AND THE INTERPLAY AMONG THE FORCES OF CANADIAN NATION-BUILDING, DUALITY AND REGIONALISM. I SUGGESTED THAT THE RECENT PHASE OF CONSTITUTIONAL REFORM CAN BE CHARACTERIZED AS PART OF AN ONGOING SEARCH FOR A BALANCED EXPRESSION OF THESE FORCES, WITHIN A BROADER CONTEXT OF OTHER EMERGING VALUES AND IDENTITIES WHICH ALSO INCREASINGLY SEEK CONSTITUTIONALrecognition.

ONE OF THE MOST SIGNIFICANT CHALLENGES FOR FEDERALISM HAS BEEN THE SEARCH FOR AN ARRANGEMENT WHICH WOULD ADDRESS THE NEEDS OF FRENCH-SPEAKING QUEBECERS AS A DISTINCTIVE CULTURAL AND LINGUISTIC COMMUNITY WITHIN CONFEDERATION. THE CURRENT SERIES OF CONSTITUTIONAL



NEGOTIATIONS BEGAN IN 1967 BECAUSE ONTARIO RECOGNIZED THE IMPORTANCE FOR CANADA OF FINDING AN ACCEPTABLE ACCOMMODATION WITH QUEBEC. AS INDICATED BY DON STEVENSON, THE IRONY OF THE 1982 CONSTITUTIONAL ARRANGEMENTS IS THAT NATION-BUILDING, REGIONALISM, AND THE PAN-CANADIAN ASPECT OF DUALITY WERE ADDRESSED IN THE CONSTITUTION, BUT THE INITIAL OBJECT OF DEALING WITH QUEBEC'S STATUS WAS NOT ACHIEVED.

THE ACCOMPLISHMENT OF THE 1987 CONSTITUTIONAL PROPOSALS, THEREFORE, IS THAT THEY FINALLY ADDRESS THE QUESTION OF QUEBEC'S PLACE IN THE FEDERATION. THE UNANIMOUS AGREEMENT AMONG THE FIRST MINISTERS AND THE ACCEPTANCE BY THE QUEBEC NATIONAL ASSEMBLY OF THIS PACKAGE OF AMENDMENTS IS AN EVENT OF SIGNAL IMPORTANCE IN CANADIAN HISTORY, WHICH WAS MADE POSSIBLE BY THE WILLINGNESS OF THE OTHER PROVINCES TO SET ASIDE THEIR OWN CONSTITUTIONAL ISSUES IN ORDER TO GET THE QUEBEC GOVERNMENT BACK IN. THE ACCORD THUS MARKS THE CONCLUSION OF THE PHASE OF CONSTITUTIONAL REFORM WHICH WAS PREOCCUPIED WITH DUALITY.



EN RÉSUMÉ, L'ACCORD CONSTITUTIONNEL DE 1987 A LE MÉRITE DE RÉPONDRE AU PROBLÈME DE LA PLACE ACCORDÉE AU QUÉBEC AU SEIN DE LA FÉDÉRATION. L'ASSENTIMENT UNANIME DES PREMIERS MINISTRES ET LE SANCTIONNEMENT DE L'ENTENTE PAR L'ASSEMBLÉE NATIONALE DU QUÉBEC CONSTITUENT DES ÉTAPES HISTORIQUES DE TRÈS GRANDE IMPORTANCE POUR LE CANADA. ELLES N'ONT ÉTÉ RENDUES POSSIBLES QUE PAR LA VOLONTÉ DES AUTRES PROVINCES DE METTRE LEURS PROPRES REVENDICATIONS CONSTITUTIONNELLES DE CÔTÉ AFIN D'ACCOMODER LE QUÉBEC. L'ENTENTE MARQUE DONC LA FIN DE L'ÈRE DES RÉFORMES CONSITUTIONNELLES PRÉOCCUPÉES PAR LA DUALITÉ.

BUT WHILE THE MEECH LAKE ACCORD MARKS THE CONCLUSION OF ONE PHASE, IT IS CLEAR, BOTH IN THE COMMITMENTS THE ACCORD ITSELF MAKES, AND IN THE CONSTITUTIONAL DISCUSSIONS THAT ARE CURRENTLY GOING ON, THAT IT MARKS THE BEGINNING OF ANOTHER. AND IT SEEMS CERTAIN THAT THE INTEREST IN CONSTITUTIONAL ISSUES WHICH CANADIANS ARE DEMONSTRATING WILL CONTINUE IN THE FUTURE.

